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THE
INSANITY LAW

OF THE

STATE OF NEW YORK.

1896.

New York: J. H. Doane, Publisher, 1896.

Chapter 545, Laws of 1896.

AN ACT IN RELATION TO THE INSANE, CONSTITUTING CHAPTER TWENTY-EIGHT OF THE GENERAL LAWS.

Became a law May 12, 1896, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Article 1. State commission in lunacy (§§ 1-16).

2. Institutions for the care, treatment and custody of the insane (§§ 30-49).
3. Commitment, care and discharge of the insane (§§ 60-77).
4. Matteawan state hospital for insane criminals (§§ 90-103).
5. Laws repealed, when to take effect (§§ 110-111).

ARTICLE I.

State Commission in Lunacy.

Section 1. Short title.

2. Definitions.
3. Appointment, qualifications, terms of office and salaries of commissioners.
4. Office and clerical force of commission.
5. Official seal and execution of papers.
6. General powers.
7. Official visits.
8. Regulations and forms.

Re-classed 3-17-31 Avm

Section 9. Annual report.

10. State hospital districts; how defined.
11. Change of hospital districts and reassignment of patients.
12. Record of medical examiners.
13. Record of patients.
14. Institutions to furnish information to commission.
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16. Director of the pathological institute.

Section 1. Short title.— This chapter shall be known as the insanity law.

§ 2. Definitions.— When used in this chapter, the term **poor person** means a person who is unable to maintain himself and having no one legally liable and able to maintain him; the term, an **indigent person**, means one who has not sufficient property to support himself while insane, and the members of his family lawfully dependent upon him for support; the term **institution** means any hospital, asylum, building, buildings, house or retreat, authorized by law to have the care, treatment or custody of the insane; the term **commission** means the state commission in lunacy; the term **patient** means an insane person committed to an institution according to the provisions of this chapter.

§ 3. Appointment, qualifications, terms of office and salaries of commissioners.— There shall continue to be a state commission in lunacy, consisting of three commissioners, all of whom shall be citizens of this state. One of them, who shall be president of the commission, shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' experience in the actual practice of his profession, who has had five years' actual experience in the care and treatment of the insane and who has had experience in the management of institutions for the insane. He shall receive an annual salary of five thousand dollars. One of such commissioners shall be a reputable attorney and counsellor-at-law of the courts of this state of not less than ten years' standing, who shall receive an annual salary of three

thousand dollars. The third commissioner shall be a reputable citizen, and shall receive ten dollars per day for actual services rendered as a member of the commission. Such salaries may be fixed by the governor, secretary of state and comptroller, at different amounts than those prescribed in this section, whenever in their discretion such amounts should be changed. Each commissioner shall receive annually twelve hundred dollars, payable monthly, in lieu of his traveling and incidental expenses. The full term of office of a commissioner shall be six years. Where the term of office of a commissioner expires at a time other than the last day of December, the term of office of his successor is abridged so as to expire on the last day of December, preceding the time when such term would otherwise expire, and the term of office of each commissioner thereafter appointed shall begin on the first day of January. The commissioners shall be appointed by the governor, by and with the advice and consent of the senate.

§ 4. Office and clerical force of commission. — The commission shall be provided by the proper authorities with a suitably furnished office in the state capitol, where it shall hold stated meetings at least once in three months. It may hold other meetings, at such office or elsewhere, as it may deem necessary. It may employ a secretary, a stenographer and such other employes as may be necessary. The salaries and reasonable expenses of the commission and of the necessary clerical assistants shall be paid by the treasurer of the state on the warrant of the comptroller, out of any moneys appropriated for the support of the insane.

§ 5. Official seal and execution of papers.—The commission shall have an official seal. Every process, order or other paper issued or executed by the commission, may, by the direction of the commission, be attested, under its seal, by its secretary or by any member of the commission, and when so attested shall be deemed to be duly executed by the commission.

§ 6. General powers.—The commission is charged with the execution of the laws relating to the custody, care and treat-

ment of the insane, as provided in this act, not including feeble-minded persons and epileptics as such and idiots. They shall examine all institutions, public and private, authorized by law to receive and care for the insane, and inquire into their methods of government and the management of all such persons therein. They shall examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its management. For such purpose each commissioner shall have free access to the grounds, buildings and all books and papers relating to any such institution. All persons connected with any such institution shall give such information, and afford such facilities for any such examination or inquiry as the commissioners may require. The commission may, by order, appoint a competent person to examine the books, papers and accounts, and also into the general condition and management of any institution to the extent deemed necessary and specified in the order.

§ 7. Official visits.—The commission, or a majority thereof, shall visit every such institution at least twice in each calendar year. Such visits shall be made jointly or by a majority of the commission on such days and at such hours of the day or night, and for such length of time, as the visiting commissioners may choose. But each commissioner may make such other visits as he or the commission may deem necessary. Each visit shall include, to the fullest extent deemed necessary, an inspection of every part of each institution, and all the out-houses, places, buildings and grounds belonging thereto or used in connection therewith. The commissioners shall, from time to time, make an examination of all the records and methods of administration, the general and special dietary, the stores and methods of supply, and, as far as circumstances may permit, of every patient confined therein, especially those admitted since the preceding visit, giving such as may require it suitable opportunity to converse with the commissioners apart from the officers and attendants. They shall, as far as they deem necessary, examine

the officers, attendants and other employees, and make such inquiries as will determine their fitness for their respective duties. At the next regular or special meeting of the commission, after any such visit, the visiting commissioners shall report the result thereof, with such recommendations for the better management or improvement of any such institution, as they may deem necessary. But such recommendations shall not be contrary to the doctrines of the particular school of medicine adopted by such institutions. The commissioners shall, from time to time, meet the managers or responsible authorities of such institutions, or as many of the number as practicable, in conference, and consider, in detail, all questions of management and improvement of the institution, and shall also send to them, in writing, if approved by a majority of the commissioners, such recommendation in regard to the management and improvement of the institution as they may deem necessary or desirable.

§ 8. Regulations and forms.—The commission shall make such regulations in regard to the correspondence of the insane in custody as in its judgment will promote their interests, and it shall be the duty of the proper authorities of each institution to comply with and enforce such rules and regulations. All such insane shall be allowed to correspond without restriction with the county judge and district attorney of the county from which they were committed. The books of record and blank forms for the official use of the hospitals shall be uniform, and shall be approved by the commission.

§ 9. Annual report.—The commission shall, annually, report to the legislature its acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the management of the institutions for the insane as it may deem necessary for the information of the legislature, including estimates of the amounts required for the use of the state hospitals and the reasons therefor; and also the annual reports made to the commission by the board of managers of each state hospital and by the State Charities Aid association.

§ 10. State hospital districts; how defined.—The state commis-

sion in lunacy shall divide the state into as many state hospital districts as there are state hospitals. No county shall be divided in such classification, unless more than one of the existing state hospitals be situated within such county. Whenever the commission shall deem it necessary to more conveniently care for the insane in the various hospitals, it may change the limits of such hospital districts. When a new state hospital shall be established, they shall again divide the state into hospital districts. Before any such change or re-establishment of hospital districts shall be made, the board of managers of each such hospital shall be notified by the commission that they may be heard in regard thereto at a specified time and place. Such hospital districts shall be so defined that the number of patients in each district shall be in proportion, as nearly as practicable, to the accommodations which are or may be provided by the state hospital or hospitals within such district.

§ 11. Change of hospital districts and reassignment of patients.— When a change or re-establishment of state hospital districts shall be made, or a new state hospital district created, the commission shall make a report thereof, designating the counties included within each district affected thereby, and file the same with the secretary of state, and send a copy to the managers and superintendent of each state hospital, and to each judge of a court of record, each county superintendent of the poor, and each county clerk in the state, to be filed in his office.

§ 12. Record of medical examiners.— Any physician who receives a certificate as a medical examiner in lunacy shall file such original certificate in the office of the clerk of the county where he resides, and forward a certified copy thereof to the office of the commission within ten days after such certificate is granted. The commission shall keep in its office a record showing the name, residence and certificate of each duly qualified medical examiner, and shall immediately file in its office, when received, each duly certified copy of a medical examiner's certificate, and advise the examiner of its receipt and filing. No examiner shall be qualified until he has received from the commission an acknowledgment of the receipt and filing of his certificate.

§ 13. Record of patients.—The commission shall keep in its office, and accessible only to the commissioners, their secretary and clerk, except by the consent of the commission or one of its members, or an order of a judge of a court of record, a record showing:

1. The name, residence, sex, age, nativity, occupation, civil condition and date of commitment of every patient in custody in the several institutions for the care and treatment of insane persons in the state, and the name and residence of the person making the petition for commitment, and of the persons signing such medical certificate, and of the judge making the order of commitment.

2. The name of the institution where each patient is confined, the date of admission, and whether brought from home or another institution, and if from another institution, the name of such institution, by whom brought, and the patient's condition.

3. The date of the discharge of each patient from such institution since the fifteenth day of May, eighteen hundred and eighty-nine, and whether recovered, improved or unimproved, and to whose care committed.

4. If transferred, for what cause, and to what institution; and if dead, the date and cause of death.

§ 14. Institutions to furnish information to commission.—The authorities of the several institutions for the insane shall furnish to the commission the facts mentioned in the last preceding section, and such other obtainable facts relating thereto as the commission may, from time to time, in the just and reasonable discharge of its duties, require of them, with the opinion of the superintendent thereon, if requested. The superintendent or person in charge of such institutions, whether public or private, must, within ten days after the admission of an insane person thereto, cause a true copy of the medical certificate and order on which such person shall have been received, to be made and forwarded to the office of the commission; and when a patient shall be discharged, transferred or shall die therein, such superintendent or person in charge shall, within three days thereafter, send the information

to the office of the commission, in accordance with the forms prescribed by it.

§ 15. Commission to provide for the prospective wants of the insane.—The commission shall provide sufficient accommodations for the prospective wants of the poor and indigent insane of the state. To prevent overcrowding in the state hospitals, it shall recommend to the legislature the establishment of other state hospitals, in such parts of the state as in their judgment will best meet the requirements of such insane. It shall also furnish to the legislature in each year, an estimate of the probable number of patients who will become inmates of the respective state hospitals during the year beginning October first next ensuing, and the cost of all the additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the care, custody and treatment of the poor and indigent insane of the state. No money shall be expended by the managers of a state hospital for the erection of additional buildings, or for unusual repairs or improvements of state hospitals, except upon plans and specifications to be approved by the commission. The cost of such buildings as are to be occupied by patients erected on the grounds of existing state hospitals, including the necessary equipment for heating, lighting, ventilating, fixtures and furniture, shall, in no case exceed the proportion of five hundred and fifty dollars per capita for the patients to be accommodated therein. No municipality of the state shall have the power to modify or change plans or specifications for the erection, repair or improvement of state hospital buildings or the plumbing or sewerage connected therewith.

§ 16. Director of the pathological institute.—The commission shall, after a special civil service examination therefor, appoint a director of the pathological institute, who shall perform, under the direction of the commission, such duties relating to pathological research as may be required for all of the state hospitals for the insane. His office and laboratory shall be in the city of New York. He shall receive an annual salary to be fixed by the commission, subject to the approval of the governor.

ARTICLE II.

Institutions for the Care, Treatment and Custody of the Insane.**Section 30. State hospitals for the poor and indigent insane.**

31. Managers of state hospitals and their terms of office.
32. Appointment and removal of managers.
33. General powers and duties of boards of managers.
34. Appointments of resident officers by managers.
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37. Monthly meetings of superintendents.
38. Salaries of officers and wages of employes.
39. Monthly estimates of expenses; contingent fund.
40. Powers and duties of treasurer.
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42. Actions to recover moneys due the hospital.
43. General powers and duties of the steward.
44. Purchases.
45. Official oath.
46. Actions against commissioners in lunacy, or officers or employes of state hospitals.
47. Private institutions for the insane.
48. Recommendations of commission.
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§ 30. State hospitals for the poor and indigent insane.—There shall continue to be the following hospitals for the care and treatment of the poor and indigent insane of the state which are hereby declared to be corporations; but other insane persons, who are residents of the state, may be admitted when there is room therein for them:

1. Utica State hospital, at the city of Utica, in the county of Oneida.
2. Willard State hospital, in the town of Ovid, county of Seneca.

3. Hudson River State hospital, near the city of Poughkeepsie, in the county of Dutchess.

4. Buffalo State hospital, in the city of Buffalo, county of Erie.

5. Middletown State Homoeopathic hospital, at Middletown, in the county of Orange.

6. Binghamton State hospital, at Binghamton, in the county of Broome.

7. Rochester State hospital, at the city of Rochester, in the county of Monroe.

8. Saint Lawrence State hospital, near the city of Ogdensburg, in the county of Saint Lawrence.

9. Collins State Homeopathic hospital for the insane, in the town of Collins, county of Erie.

10. Long Island State hospital, at Kings Park, Suffolk county, Long Island.

11. Manhattan State hospital, in New York city and at Central Islip, Suffolk county.

§ 31. Managers of state hospitals and their terms of office.— Each state hospital shall be under the control and management of its present board of managers or trustees, subject to the statutory powers of the commission, and to the provisions of this section as to the modification of their terms of office and the number of such trustees. Such trustees or managers shall hereafter be termed managers. On or before the thirty-first of December, after this chapter takes effect, and at which time the terms of the managers then in office shall expire, the governor shall appoint a board consisting of seven members for each state hospital by so arranging terms of one, two, three, four, five, six and seven years, that a term shall expire on the thirty-first day of December in each year, beginning with the year eighteen hundred and ninety-seven. If a vacancy occur otherwise than by expiration of term, the appointment of a manager to fill such vacancy shall be for the unexpired term of the manager whose office became vacant; but the provisions of this section shall not apply to the Middletown State Homeopathic hospital at Middletown, in the county of Orange, where the number of managers shall be thirteen.

§ 32. Appointment and removal of managers.—The managers and their successors appointed after the appointment and classification made pursuant to the preceding section, shall severally be appointed by the governor, by and with the advice and consent of the senate, as often as a vacancy shall occur by expiration of term, or otherwise; and they may severally continue in office until their successors are appointed and have qualified; and they shall be subject to removal by the governor upon cause shown and an opportunity to be heard. All managers hereafter appointed shall reside in the hospital district in which the hospital is situated for which they are respectively appointed, but no person shall be eligible to the office of manager who is either an elective state officer or a member of the legislature, and if any such manager shall become a member of the legislature or such elective state officer, his office as manager shall be vacant. All the managers of the Middletown State Homeopathic hospital and of the Collins State Homeopathic hospital may be appointed from any portion of the state and shall be adherents of homeopathy. If any manager fails for one year to attend the regular meetings of the board of which he is a member, his office shall be vacant, and the board by resolution shall so declare, and a certified copy of every such resolution shall forthwith be transmitted by the board to the governor.

§ 33. General powers and duties of boards of managers.—Subject to the statutory powers of the commission, each board of managers shall have the general direction and control of all the property and concerns of the institution over which they are respectively appointed, not otherwise provided by law. They may acquire and hold in the name of and for the people of the state of New York by grant, gift, devise or bequest, property to be applied to the maintenance of insane persons in and for the general use of the hospital. All lands necessary for the use of state hospitals shall be acquired by condemnation as lands for public use are acquired, except those by gift, devise or purchase, the terms of which purchase shall be approved by the commission and the state comptroller. No public street or road for

railroad or other purposes shall be opened through the lands of a state hospital, unless the legislature, by special act, consents thereto. The managers shall not receive any compensation for their services, but shall receive actual and necessary traveling and other expenses, to be paid after audit as other current expenditures of the hospital. Each board shall:

1. Take care of the general interests of the hospital and see that its design is carried into effect, according to law, and its by-laws, rules and regulations.

2. Establish such by-laws, rules and regulations as they may deem necessary and expedient for regulating the appointment and duties of officers and employes of the hospital, and for the internal government, discipline and management of the same.

3. Maintain an effective inspection of the hospital, for which purpose a majority of the board shall visit the hospital at least every three months, and the whole board once a year, and at such other times as may be prescribed in the by-laws.

4. Keep in a book provided for that purpose, a fair and full record of their doings, which shall be open at all times to the inspection of the governor of the state, the commissioners in lunacy, or any person appointed by the governor, the commission in lunacy, or either house of the legislature to examine the same.

5. Cause to be typewritten within ten days after each meeting of such managers, or a committee thereof, the minutes and proceedings of such meeting, and cause a copy thereof to be sent forthwith to each member of such board and to the commission.

6. Enter in a book kept by them for that purpose, the date of each of their visits, and the condition of the hospital and patients, and all such managers present shall sign the same.

7. Make to the commission, in October of each year, a detailed report of the results of their visits and inspection, with suitable suggestions and such other matters as may be required of them by the commission, for the year ending on the thirtieth day of September preceding the date of such report. The resident officers shall admit such managers into every part of the hospital and its buildings, and exhibit to them on demand all the books, papers,

accounts and writings belonging to the hospital or pertaining to its business, management, discipline or government, and furnish copies, abstracts and reports whenever required by them.

§ 34. Appointments of officers by managers.— Each of such boards shall continue to appoint for its hospital, as often as vacancies occur therein:

1. A superintendent, who shall be a well-educated physician and a graduate of an incorporated medical college, of at least five years' actual experience in an institution for the care and treatment of the insane. The superintendents and all assistant physicians of homeopathic hospitals for the insane shall be homeopathic physicians, but such homeopathic physicians shall not be eligible to appointment in or transfer to state hospitals that are not for homeopathic treatment.

2. A treasurer, who shall keep all the books, records and papers pertaining to his official duties, in an office situated where the board of managers may direct, who shall give an undertaking to the people of the state for the faithful performance of his trust, with sureties to be approved by the county judge of the county or a justice of the supreme court of the judicial district in which such hospital is located, and in such amount as the comptroller of the state shall name. Such superintendent or treasurer may be removed by a vote of a majority of the board of managers for cause stated in writing, an opportunity having been given them to be heard, and such action shall be final.

§ 35. General powers and duties of superintendent. — The superintendent of each hospital shall be its chief executive officer, and in his absence or sickness, the first assistant physician or other officer designated by the superintendent shall perform the duties and be subject to the responsibilities of the superintendent. Subject to the by-laws and regulations established by the board of managers, the superintendent shall have the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock, and the direction and control of all persons therein, and shall:

1. Personally maintain an effective supervision and inspection

of all parts of the hospital and generally direct the care and treatment of the patients. To this end the superintendent shall personally examine the condition of each patient, within five days after his admission to the hospital, and shall regularly visit all of the wards or apartments for patients at such times as the rules and regulations of the hospital shall prescribe.

2. Appoint such resident officers, including a woman physician, and such employes as he may think proper and necessary for the economical and efficient performance of the business of the hospital and prescribe their duties and discharge any of such employes in his discretion. The number of such resident officers and employes shall be determined by the commission. The superintendent may remove any resident officer for cause stated in writing, after an opportunity to be heard, and such action of the superintendent shall be final. Upon any such removal he shall make a record thereof, with the reasons therefor, under the appropriate head in one of the books of the hospital.

The superintendent, assistant physicians, including the woman physician, steward and matron shall constantly reside in the hospital, or on the premises, and shall be designated the resident officers of the hospital. The assistant physicians, including the woman physician, shall be graduates of an incorporated medical college, and shall possess such other qualifications as may be required by law.

3. Transmit, by mail, to the commission in lunacy, within five days after any such discharge, information of such discharge, and of the cause thereof. The commission shall preserve the name of such officer, or employe, with the facts relating to his discharge, in a book provided for that purpose.

4. Appoint such number of special policemen as may be determined, whose duty it shall be, under the orders of the superintendent, to arrest and return to the hospital insane persons who may escape therefrom, and to preserve peace and good order in such hospital and to fully protect the grounds, buildings and patients. Such policemen shall possess all the powers of peace officers on the grounds and premises of such hospital and to the

extent of one hundred yards beyond such grounds. The appointment of special policemen, in pursuance hereof, shall not be deemed to supersede, on the grounds and premises of such hospital, the authority of peace officers of the jurisdiction within which such hospital is located.

5. Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense.

6. Maintain salutary discipline among all who are employed in the institution and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital.

7. Establish and supervise a training school for attendants and nurses, under rules and regulations of the hospital.

8. Cause full and fair accounts and records of all his doings and of the entire business and operations of the hospital, to be kept regularly, from day to day, in books provided for that purpose.

9. See that all such accounts and records are fully made up to the last day of September in each year, and that the principal facts and results, with his report thereon, be presented to the managers within thirty days thereafter, who shall incorporate it in their report to the commission.

10. Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence and occupation, and the date of such reception, by whom brought and by what authority and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates and other papers accompanying such person.

§ 36. The general and medical superintendents of the Long Island and Manhattan state hospitals.—There shall be a general superintendent of the Long Island state hospital and a general superintendent of the Manhattan state hospital, each of whom, as often as vacancies occur, shall be appointed by the board of managers of each such hospital. General superintendents shall be subject to removal by a vote of a majority of such board for

cause stated in writing, after an opportunity to be heard, and such action shall be final. Such general superintendent shall possess the same qualifications as the superintendent of other state hospitals, and shall have the same general powers and duties as provided by section thirty-five of this chapter. The general superintendent of the Long Island State hospital shall appoint two medical superintendents, one for the part of the hospital located at Kings Park, and one for that at Brooklyn. The general superintendent of the Manhattan State hospital shall appoint three medical superintendents, two of whom shall reside at Ward's island, one for the men's department and one for the women's department, and one at Central Islip. Each general superintendent shall appoint a steward for each hospital and as many matrons as the necessities of the hospital may require. The medical superintendents and other resident officers may be removed by such general superintendents, for cause stated in writing, after an opportunity to be heard, and such action of the general superintendents shall be final. The medical superintendents so appointed shall have the same statutory qualifications as superintendents of other state hospitals. Each shall have the powers and perform the duties prescribed by the general superintendent, and shall be subject to the direction and control of such general superintendent and the rules and regulations of the hospital.

§ 37. Meetings of superintendents.—The superintendents of the several state hospitals, or their representatives, including the general superintendents of the Long Island and Manhattan state hospitals and, in the discretion of each board of managers, one member of each board to be designated by it, shall meet at least once in every month, on a day to be appointed by the commission, at the office of the commission at Albany, or at such other place as may be designated by it, to consult with such commission with reference to matters relating to the care and maintenance of the state hospitals and particularly with reference to the purchase of supplies for their use.

§ 38. Salaries of officers and wages of employees.—The commission, from time to time, with the approval in writing of the

governor, secretary of state and comptroller, shall fix the annual salaries of the resident officers and treasurers of the state hospitals, which shall be uniform for like services. They shall classify the other officers and employes into grades, and determine the salaries and wages to be paid in each grade, which shall be uniform in all the hospitals. The salaries and wages shall be included in the monthly estimates and paid in the same manner as other expenses of the state hospitals. Food supplies shall be allowed to officers and employes and the families of the superintendents, general superintendents, medical superintendents, first assistant physicians and stewards. Food supplies shall continue to be allowed the families of the assistant physicians, residing at the hospitals on January first, eighteen hundred and ninety-six. Such families shall consist only of the wives and minor children of such officers; no other persons, except those regularly employed, shall be allowed rooms and maintenance, except at a rate to be fixed by the commission; such supplies shall be drawn from the supplies provided for general hospital use.

§ 39. Monthly estimates of expenses; contingent fund.—The superintendent of each of the state hospitals shall, on or before the fifteenth day of each month, cause to be prepared triplicate estimates in minute detail, of the expenses required for the hospital of which he is superintendent, for the ensuing month. He shall submit two of such triplicates to the commission and file the third copy in the office of the superintendent. The commission may revise estimates for supplies or other expenditures either as to quantity, quality, or the estimated cost thereof, and shall certify that it has carefully examined the same and that the articles contained in such estimate, as approved or revised by it, are actually required for the use of the hospital, and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate by the commission, the comptroller shall authorize the boards of managers to make drafts on the comptroller, as the money may be required for the purposes mentioned in such

estimates, which drafts shall be paid on the warrant of the comptroller, out of the funds in the treasury of the state held for the care of the insane and the maintenance of state hospitals. In every such estimate, there shall be a sum named, not to exceed one thousand dollars, as a contingent fund for which no minute detailed statement need be made. No expenditure shall be made from such contingent fund, except in case of actual emergency, requiring immediate action and which can not be deferred without incurring loss or danger to the hospital or the inmates thereof. No money shall be expended for the use of any of the state hospitals, except as provided in this section. Libraries may be furnished to any state hospital by the regents of the university of the state of New York, subject to regulations adopted by them and the commission, the expense of which shall be included in the monthly estimates of the hospital.

§ 40. Powers and duties of treasurer.—The treasurer of each hospital shall:

1. Have the custody of all moneys received from the comptroller on account of estimates made by the superintendent and revised and approved by the commission, and keep an accurate account thereof.
2. Have the custody of all bonds, notes, mortgages and other securities and obligations belonging to the hospital.
3. Receive all money for the care and treatment of private patients and other sources of revenue of the hospital.
4. Deposit all such money in a bank designated by the comptroller conveniently near the hospital, in his name as treasurer, and send each month to the comptroller, to the commission and to the board of managers a statement, showing the amount so received and deposited, and from whom and for what received, and when such deposits were made. Such statement of deposit shall be certified by the proper officer of the bank receiving such deposit. The treasurer shall make an affidavit to the effect that the sum so deposited is all the money received by him, from any source of hospital income, up to the time of the last deposit appearing on such statement. A bank

designated by the comptroller to receive such deposits shall, before any deposit is made, execute a bond to the people of the state, in a sum approved by the comptroller, for the safe keeping of the funds deposited.

5. Pay out the money deposited for the uses of the state hospital, upon the voucher of the steward, approved by the superintendent in accordance with the estimates made by the superintendent and revised and approved by the commission.

6. Keep full and accurate accounts of all receipts and payments, in the manner directed in the by-laws and according to books and forms prescribed and furnished by the commission.

7. Balance all accounts on his books, annually, on the last day of September, and make a statement thereof and an abstract of the receipts and payments of the past year and deliver the same, within ten days, to the executive committee of the managers, who shall compare the same with the books and vouchers and verify the results by further comparison with the books of the steward, and certify in regard to the correctness thereof to the managers at their next meeting.

8. Render an account of the state of the books and the funds and other property in his custody, whenever required by the managers, or the commission.

9. Execute a release and satisfaction of a mortgage, judgment or other lien or debt in favor of the hospital, when paid.

§ 41. Monthly statements of receipts and expenditures; vouchers.—The treasurer of each state hospital shall, on or before the fifteenth day of each month, make to the comptroller and to the commission a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding calendar month. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form:

I,, treasurer of the state hospital, do solemnly swear that I have deposited in the bank designated by law for such purpose, all the moneys received by me on account of the hospital during the last month, and I do further swear that the foregoing is a true abstract of all the

moneys received and payments made by me or under my direction as such treasurer during the month ending on the day of, 18..

There shall also be attached thereto the affidavit of the steward, to the effect that the goods and other articles therein specified were purchased and received by him, or under his directions, at the hospital; that the goods were purchased at a fair cash market price and paid for in cash, or on credit, not exceeding thirty days, and that he, or any person in his behalf, had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles contained in such bill were received at the hospital; that they conformed in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such statement shall be accompanied by the voucher showing the payment of the several items contained in the statement and the approval thereof by the superintendent, the amount of such payment and for what the payment was made. Such approval may be contained on an audit sheet, which shall refer to each voucher approved by the superintendent, giving the number of voucher, the name of the claimant and the amount at which it was approved. Such vouchers shall be examined by the commission and compared with the estimates made for the month for which the statement is rendered, and if found correct shall be indorsed and forwarded by the commission, with the statement to the comptroller. If any voucher is found objectionable, the comptroller shall indorse his disapproval thereon, with the reason therefor, and return it to the treasurer, who shall present it to the superintendent for correction, and when corrected return it to the comptroller. All such vouchers shall be filed in the office of the comptroller.

§ 42. Actions to recover moneys due the hospital.— The treasurer of any state hospital may bring an action in the name of the hospital, to recover for the use thereof:

1. The amount due upon any note or bond in his hands belonging to the hospital.

2. The amount charged and due, according to the by-laws of the hospital, for the support of any patient therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses.

3. Upon any cause of action accruing to the hospital.

§ 43. General powers and duties of the steward.—The steward, under the direction of the superintendent, shall be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the hospital, and under the direction of the superintendent, shall:

1. Make all purchases for the hospital and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same.

2. Prepare and keep the pay-rolls of the hospital.

3. Keep the accounts for the support of patients and expenses incurred in their behalf, and furnish the treasurer statements thereof as they fall due.

4. Notify the treasurer of the death or discharge of any re-im-bursing or pay patient, within five days after such death or discharge.

§ 44. Purchases.— All purchases of supplies for the use of the hospital shall be made for cash or on credit or time, not exceeding sixty days; every voucher shall be duly filled up, and with every abstract of vouchers paid, there shall be proof on oath that the voucher was properly filled up and the money paid. No expenditures for supplies or other purposes shall be made by the board of managers of any state hospital for the benefit of such hospital, by contract or otherwise, unless in conformity with the provisions of this act in relation to estimates. No manager or officer of a hospital shall be interested, directly or indirectly, in the furnishing of material, labor or supplies for the use of the hospital, nor shall any manager or officer act as attorney or counsel for such hospital. Contracts may be entered into jointly, by the representatives of the managers of two or more of the state hospitals, for such staple articles of supplies, as it may be found feasible, by the

commission, for the hospitals to purchase in bulk under such contracts. Such contracts shall not be let except in conformity with the provisions of this act relating to estimates. Such contracts shall be executed by one of such representatives of the managers to be designated by them. The state hospitals may manufacture such supplies and materials to be used in any of such hospitals as can be economically made therein.

§ 45. Official oath.— Each superintendent, treasurer and steward of a hospital, before entering upon his duties as such, shall take the constitutional oath of office and file the same in the office of the secretary of state.

§ 46. Actions against commissioners in lunacy, or officers of state hospitals.— No civil action shall be brought in any court against the commission or a commissioner in lunacy, or an officer or manager of a state hospital, for alleged damages because of any act done or failure to perform any act, while discharging their official duties, without leave of a judge of the supreme court, first had and obtained. Any just claim for damages against such commission or commissioner, officer or employe for which the state would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane.

§ 47. Private institutions for the insane.— No person, association or corporation shall establish or keep an institution for the care, custody or treatment of the insane, for compensation or hire, without first obtaining a license therefor from the commission. Every application for such license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the commission may require. The commission shall not grant any such license without first having made an examination of the premises proposed to be licensed, and being satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed

to be used, and that such license should be granted. The commission may, at any and all times, examine and ascertain how far a licensed institution is conducted in compliance with the license therefor, and after due notice to the institution and opportunity for it to be heard, the commission having made a record of the proceeding upon such hearing, may, if the interests of the inmates of the institution so demand, for just and reasonable cause then appearing and to be stated in its order, amend or revoke any such license by an order to take effect within such time after the service thereof upon the licensee, as the commission shall determine.

§ 48. Recommendations of commission.—The authorities of each institution for the insane shall place on file in the office of the institution, the recommendations made by the commissioners as a result of their visits, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visits.

§ 49. Visitors to state hospitals.—Justices of the supreme court are authorized to appoint visitors to state hospitals, upon nomination of the state charities aid association, as provided by law.

ARTICLE III.

Commitment, Custody and Discharge of the Insane.

Section 60. Order for commitment of an insane person.

61. Medical examiners in lunacy; certificates of lunacy.
62. Proceedings to determine the question of insanity.
63. Appeal from order of commitment.
64. Costs of commitment.
65. Liability for care and support of poor and indigent insane.
66. Liability for the care and support of the insane, other than the poor and indigent.
67. Duties of local officers in regard to the insane.
68. Duty of committee and others to care for the insane; apprehension and confinement of a dangerous insane person.

Section 69. Patients admitted under special agreement.

- 70. Entries in case book.**
- 71. Transfer of patients when hospital is overcrowded.**
- 72. Investigation into the care and treatment of the insane.**
- 73. Habeas corpus.**
- 74. Discharge of patients.**
- 75. Clothing and money to be furnished discharged patients.**
- 76. Transfer of nonresident patients.**
- 77. Insane Indians.**

§ 60. Order for commitment of an insane person.—A person alleged to be insane and who is not in confinement on a criminal charge, may be committed to and confined in an institution for the custody and treatment of the insane, upon an order made by a judge of a court of record of the city or county, or a justice of the supreme court of the judicial district, in which the alleged insane person resides or may be, adjudging such person to be insane, upon a certificate of lunacy made by two qualified medical examiners in lunacy, accompanied by a verified petition therefor, or upon such certificate and petition, and after a hearing to determine such question, as provided in this article. The commission shall prescribe and furnish blanks for such certificates and petitions, which shall be made only upon such blanks. An insane person shall be committed only to a state hospital, a duly licensed institution for the insane, or the Matteawan State hospital, or to the care and custody of a relative or committee, as hereinafter provided. No idiot shall be committed to or confined in a state hospital. But any epileptic or feeble-minded person becoming insane may be committed as an insane person to a state hospital for custody and treatment therein.

§ 61. Medical examiners in lunacy; certificates of lunacy.—The certificate of lunacy must show that such person is insane and must be made by two reputable physicians, graduates of an incorporated medical college, who have been in the actual practice of their profession at least three years, and have filed with the commission a certified copy of the certificate of a judge of a court

of record, showing such qualifications in accordance with forms prescribed by the commission.

Such physicians shall jointly make a final examination of the person alleged to be insane within ten days next before the granting of the order. The date of the certificate of lunacy shall be the date of such joint examination. Such certificate of lunacy shall be in the form prescribed by the commission, and shall contain the facts and circumstances upon which the judgment of the physicians is based and show that the condition of the person examined is such as to require care and treatment in an institution for the care, custody and treatment of the insane.

Neither of such physicians shall be a relative of the person applying for the order or of the person alleged to be insane, or a manager, superintendent, proprietor, officer, stockholder, or have any pecuniary interest, directly or indirectly, or be an attending physician in the institution to which it is proposed to commit such person.

§ 62. Proceedings to determine the question of insanity.—Any person with whom an alleged insane person may reside or at whose house he may be, or the father or mother, husband or wife, brother or sister, or the child of any such person, and any overseer of the poor of the town, and superintendent of the poor of the county in which any such person may be, may apply for such order, by presenting a verified petition containing a statement of the facts upon which the allegation of insanity is based, and because of which the application for the order is made. Such petition shall be accompanied by the certificate of lunacy of the medical examiners, as prescribed in the preceding section. Notice of such application shall be served personally, at least one day before making such application, upon the person alleged to be insane, and if made by an overseer or superintendent of the poor, also upon the husband or wife, father or mother or next of kin of such alleged insane person, if there be any such known to be residing within the county, and if not, upon the person with whom such alleged insane person may

reside, or at whose house he may be. The judge to whom the application is to be made may dispense with such personal service, or may direct substituted service to be made upon some person to be designated by him. He shall state in a certificate to be attached to the petition his reason for dispensing with personal service of such notice, and if substituted service is directed, the name of the person to be served therewith.

The judge to whom such application is made may, if no demand is made for a hearing in behalf of the alleged insane person, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane, may immediately issue an order for the commitment of such person to an institution for the custody and treatment of the insane. If, however, it appears that such insane person is harmless and his relatives or a committee of his person are willing and able to properly care for him, at some place other than such institution, upon their written consent, the judge may order that he be placed in the care and custody of such relatives or such committee. Such judge may, in his discretion, require other proofs in addition to the petition and certificate of the medical examiners.

Upon the demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion, issue an order directing the hearing of such application before him at a time not more than five days from the date of such order, which shall be served upon the parties interested in the application and upon such other persons as the judge, in his discretion, may name. Upon such day, or upon such other day to which the proceeding shall be regularly adjourned, he shall hear the testimony introduced by the parties and examine the alleged insane person if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is insane, the judge shall forthwith issue his order committing him to an institution for the custody and treatment of the insane, or make such other order as is provided in this section. If such judge can not hear the application he may, in his

order directing the hearing, name some referee, who shall hear the testimony and report the same forthwith, with his opinion thereon, to such judge, who shall, if satisfied with such report, render his decision accordingly. If the commitment be made to a state hospital, the order shall be accompanied by a written statement of the judge as to the financial condition of the insane person and of the persons legally liable for his maintenance as far as can be ascertained. The superintendent of such state hospital shall be immediately notified of such commitment, and he shall, at once, make provisions for the transfer of such insane person to such hospital.

The petition of the applicant, the certificate in lunacy of the medical examiners, the order directing a further hearing as provided in this section, if one be issued, and the decision of the judge or referee, and the order of commitment shall be presented at the time of the commitment to the superintendent or person in charge of the institution to which the insane person is committed, and verbatim copies shall be forwarded by such superintendent or person in charge and filed in the office of the state commission in lunacy. The relative, or committee, to whose care and custody any insane person is committed, shall forthwith file the petition, certificate and order, in the office of the clerk of the county where such order is made, and transmit a certified copy of such papers, to the commission in lunacy, and procure and retain another such certified copy.

The superintendent or person in charge of any institution for the care and treatment of the insane may refuse to receive any person upon any such order, if the papers required to be presented shall not comply with the provisions of this section, or if in his judgment, such person is not insane within the meaning of this statute, or if received, such person may be discharged by the commission. No person shall be admitted to any such institution under such order after the expiration of five days from and inclusive of the date thereof.

§ 63. Appeal from order of commitment. — If a person ordered to be committed, pursuant to this chapter, or any friend in his

behalf, is dissatisfied with the final order of a judge or justice committing him, he may, within ten days after the making of such order appeal therefrom to a justice of the supreme court other than the justice making the order, who shall cause a jury to be summoned as in case of proceedings for the appointment of a committee for an insane person, and shall try the question of such insanity in the same manner as in proceedings for the appointment of a committee. Before such appeal shall be heard, such person shall make a deposit or give a bond, to be approved by a justice of the supreme court, for the payment of the costs of the appeal, if the order of commitment is sustained. If the verdict of the jury be that such person is insane, the justice shall certify that fact and make an order of commitment as upon the original hearing. Such order shall be presented, at the time of the commitment of such insane person, to the superintendent or person in charge of the institution to which the insane person is committed, and a copy thereof shall be forwarded to the commission by such superintendent or person in charge and filed in the office thereof. Proceedings under the order shall not be stayed pending an appeal therefrom, except upon an order of a justice of the supreme court, and made upon a notice, and after a hearing, with provisions made therein for such temporary care or confinement of the alleged insane person as may be deemed necessary.

If a judge shall refuse to grant an application for an order of commitment of an insane person proved to be dangerous to himself or others, if at large, he shall state his reasons for such refusal in writing, and any person aggrieved thereby may appeal therefrom in the same manner and under like conditions as from an order of commitment.

§ 64. Costs of commitment.—The costs necessarily incurred in determining the question of the insanity of a poor or indigent person and in securing his admission into a state hospital, and the expense of providing proper clothing for such person, in accordance with the rules and regulations adopted by the commission, shall be a charge upon the town, city or county securing

the commitment. Such costs shall include the fees allowed by the judge or justice ordering the commitment to the medical examiners. If the person sought to be committed is not a poor or indigent person, the costs of the proceedings to determine his insanity and to secure his commitment, as provided in this article, shall be a charge upon his estate, or shall be paid by the persons legally liable for his maintenance. If in such proceedings, the alleged insane person is determined not to be insane, the judge or justice may, in his discretion, charge the costs of the proceedings to the person making the application for an order of commitment, and judgment may be entered for the amount thereof and enforced by execution against such person.

§ 65. Liability for care and support of poor and indigent insane.—All poor and indigent insane persons not in confinement under criminal proceedings, shall, without unnecessary delay, be transferred to a state hospital and there wholly supported by the state. The costs necessarily incurred in the transfer of patients to state hospitals shall be a charge upon the state. The commission shall secure from relatives or friends who are liable or may be willing to assume the costs of support of inmates of state hospitals supported by the state, reimbursement, in whole or in part, of the money thus expended.

§ 66. Liability for the care and support of the insane other than the poor and indigent.—The father, mother, husband, wife and children of an insane person, if of sufficient ability, and the committee or guardian of his person and estate, if his estate is sufficient for the purpose, shall cause him to be properly and suitably cared for and maintained.

The commission and the superintendent of the poor of the county, and the overseer of the poor of the town where any such insane person may be, or in the city of New York, the commissioners of public charities, and in Brooklyn, the commissioners of charities and correction, may inquire into the manner in which any such person is cared for and maintained; and if, in the judgment of any of them, he is not properly or suitably cared for, may apply to

a judge of a court of record for an order to commit him to a state hospital under the provisions of this article, but such order shall not be made unless the judge finds and certifies in the order that such insane person is not properly or suitably cared for by such relative or committee, or that it is dangerous to the public to allow him to be cared for and maintained by such relative or committee.

The costs and charges of the commitment and transfer of such insane person to a state hospital shall be paid by the committee, or the father, mother, husband, wife or children of such person, to be recovered in an action brought in the name of the people by the commission, the superintendent of the poor of the county, or the overseer of the poor of the town where such insane person may be, or in the city of New York in the name of the commissioners of public charities, and in the city of Brooklyn in the name of the commissioners of charities and correction.

§ 67. Duties of local officers in regard to their insane.—All county superintendents of the poor, overseers of the poor and other city, town or county authorities, having duties to perform relating to the insane poor, are charged with the duty of seeing that all poor and indigent insane persons within their respective municipalities, are timely granted the necessary relief conferred by this chapter, and, when so ordered by a judge, as herein provided, or by the commission, shall see that they are, without unnecessary delay, transferred to the proper institutions provided for their care and treatment as the wards of the state. Before sending a person to any such institution, they shall see that he is in a state of bodily cleanliness and comfortably clothed with new clothing, in accordance with the regulations prescribed by the commission. The commission may, by order, direct that any person it deems unsuitable therefor shall not be so employed or act as such attendant.

Each patient shall be sent to the state hospital, within the district embracing the county from which he is committed,

except that the commission may, in their discretion, direct otherwise, but private or public insane patients, for whom homeopathic care and treatment may be desired by their relatives, friends or guardians, may be committed to the Middletown State Homeopathic hospital, or to, the Collins State Homeopathic hospital, from any of the counties of the state, in the discretion of the judge granting the order of commitment; and the hospital to which any patient is ordered to be sent shall, by and under the regulations made by such commission, send a trained attendant to bring the patient to the hospital. Each female committed to any institution for the insane shall be accompanied by a female attendant, unless accompanied by her father, brother, husband, or son. After the patient has been delivered to the proper officers of the hospital, the care and custody of the municipality from which he is sent shall cease.

§ 68. Duty of committee and others to care for the insane; apprehension and confinement of a dangerous insane person. — When an insane person is possessed of sufficient property to maintain himself, or his father, mother, husband, wife or children are of sufficient ability to maintain him, and his insanity is such as to endanger his own person, or the person and property of others, the committee of his person and estate, or such father, mother, husband, wife, or children must provide a suitable place for his confinement, and there maintain him in such manner as shall be approved by the proper legal authority. The county superintendent of the poor and the overseers of the poor of towns and cities, the commissioners of public charities in the city of New York, and the commissioners of charities and correction in the city of Brooklyn, are required to see that the provisions of this section are carried into effect in the most humane and speedy manner.

Upon the refusal or neglect of a committee, guardian or relative of an insane person to cause him to be confined, as required in this chapter, the officers named in this section shall apply to a judge of a court of record of the city or county, or to a justice of the supreme court of the judicial district in which such insane person

may reside or be found, who, upon being satisfied, upon proper proofs, that such person is dangerously insane and improperly at large, shall issue a precept to one or more of the officers named, commanding them to apprehend and confine such insane person in some comfortable and safe place; and such officers in apprehending such insane person shall possess all the powers of a peace officer executing a warrant of arrest in a criminal proceeding. Unless an order of commitment has been previously granted, such officers shall forthwith make application for the proper order for his commitment to the proper institution for the care, custody and treatment of the insane, as authorized by this chapter, and if such order is granted, such officer shall take the necessary legal steps to have him transferred to such institution. In no case shall any such insane person be confined in any other place than a state hospital or duly licensed institution for the insane, for a period longer than ten days, nor shall such person be committed as a disorderly person to any prison, jail or lockup for criminals, unless he be violent and dangerous, and there is no other suitable place for his confinement, nor shall he be confined in the same room with a person charged with or convicted of crime.

Any person apparently insane, and conducting himself in a manner which in a sane person would be disorderly, may be arrested by any peace officer and confined in some safe and comfortable place until the question of his sanity be determined, as prescribed by this chapter. The officer making such arrest shall immediately notify the superintendent of the poor of the county, or the overseers of the poor of the town or city, or, in the city of New York, the commissioners of public charities, or, in the city of Brooklyn, the commissioners of charities and correction, who shall forthwith take proper measures for the determination of the question of the insanity of such person.

§ 69. Patients admitted under special agreement.—The managers of a state hospital may authorize the superintendent to admit thereto, under special agreement, insane patients, who are residents of the state, other than poor and indigent insane per-

sons, when there is room for such insane therein. But no patient shall be permitted to occupy more than one room in any state hospital, nor shall any patient, his friends or relatives, be permitted to pay for his care and treatment therein a sum greater than ten dollars a week. Such patients, when so received, shall be subject to the general rules and regulations of the hospital. The amount agreed upon for the maintenance of such insane persons in a state hospital, shall be secured by a properly executed bond, and bills therefor shall be collected monthly. The commission may appoint agents, whose duty it shall be to secure from relatives and friends who are liable therefor, or who may be willing to assume the cost of support of any of the inmates of state hospitals as are being supported by the state, reimbursement in whole or in part of the money so expended. The compensation of each agent shall not exceed five dollars a day, and the necessary traveling and other incidental expenses incurred by him, to be approved by the comptroller.

§ 70. Entries in case book.—Every superintendent or other person in charge of an institution for the care and treatment of the insane, shall, within three days after the reception of a patient, make, or cause to be made, a descriptive entry of such case in a book exclusively set apart for that purpose. He shall also make or cause to be made entries from time to time, of the mental state, bodily condition and medical treatment of such patient during the time such patient remains under his care, and in the event of the discharge or death of such person, he shall state in such case book the circumstances thereof, and make such other entries at such intervals of time and in such form as may be required by the commission.

§ 71. Transfer of patients when hospital is overcrowded.—When the building of any state hospital shall become overcrowded with patients, or the number of buildings shall be reduced by fire, or other casualties, or for other cause, the commission may, in its discretion, cause the transfer of patients therefrom, or direct that patients required to be sent thereto, be transferred to another state hospital, where they can be

conveniently received, or make, in special emergencies, temporary provision for their care, preference to be given in such transfers to a hospital in an adjoining rather than in a remote district. The expenses of such transfer shall be chargeable to the state, and the bills for the same, when approved by the commission, shall be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys provided for the support of the insane.

§ 72. Investigation into the care and treatment of the insane.—When the commission has reason to believe that any person adjudged insane is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated, or inadequate provision is made for his skillful medical care, proper supervision and safe keeping, it may ascertain the facts, or may order an investigation of the facts by one of its members. It, or the commissioner conducting the proceeding, may issue compulsory process for the attendance of witnesses and the production of papers, and exercise the powers conferred upon a referee in the supreme court. If the commission deem it proper, it may issue an order directed to any or all institutions, directing and providing for such remedy or treatment, or both, as shall be therein specified. If such order be just and reasonable, and be approved by a justice of the supreme court, who may require notice to be given of the application for such approval, it shall be binding upon any and all institutions and persons to which it is directed, and any willful disobedience of such order shall be a criminal contempt and punishable as such. Whenever the commission shall undertake an investigation into the general management and administration of any institution for the insane, it may give notice to the attorney-general of any such investigation, and the attorney-general shall appear personally or by deputy and examine witnesses who may be in attendance. The commission, or any member thereof, may at any time visit and examine the inmates of any county or city almshouse, to ascertain if insane persons are kept therein.

§ 73. Habeas corpus.—Any one in custody as an insane person is entitled to a writ of habeas corpus, upon a proper application

made by him or some friend in his behalf. Upon the return of such writ, the fact of his insanity shall be inquired into and determined. The medical history of the patient, as it appears in the case book, shall be given in evidence, and the superintendent or medical officer in charge of the institution wherein such person is held in custody, and any proper person, shall be sworn touching the mental condition of such person.

§ 74. Discharge of patients.— The superintendent of a state hospital, on filing his written certificate with the secretary of the board of managers, may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal offense at any time, as follows:

1. A patient who, in his judgment, is recovered.
2. Any patient who is not recovered but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient; provided, however, that before making such certificate, the superintendent shall satisfy himself, by sufficient proof, that friends or relatives of the patient are willing and financially able to receive and properly care for such patient after his discharge.

When the superintendent is unwilling to certify to the discharge of an unrecovered patient upon request, and so certifies in writing, giving his reasons therefor, any judge of a court of record in the judicial district in which the hospital is situated may, upon such certificate and an opportunity of a hearing thereon being accorded the superintendent, and upon such other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require, for the good behavior and maintenance of the patient. The certificate and the proof and the order granted thereon shall be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged. The superintendent may grant a parole to a patient not exceeding thirty days, under general conditions prescribed by the commission.

The commission may, by order, discharge any patient in its judgment improperly detained in any institution. A poor and indigent patient discharged by the superintendent, because he is an idiot, or an epileptic, not insane, or because he is not a proper case for treatment within the meaning of this chapter, shall be received and cared for, by the superintendent of the poor or other authority having similar powers, in the county from which he was committed. A patient, held upon an order of a court or judge having criminal jurisdiction, in an action or proceeding arising from a criminal offense, may be discharged upon the superintendent's certificate of recovery, approved by any such court or judge.

§ 75. Clothing and money to be furnished discharged patients.— No patient shall be discharged from a state hospital without suitable clothing adapted to the season in which he is discharged; and if it can not be otherwise obtained, the steward shall, upon the order of the superintendent, furnish the same, and money not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

§ 76. Transfer of nonresident patients.— If an order be issued by any judge, committing to a state hospital a poor or indigent person, who has not acquired a legal settlement in this state, the commission in lunacy shall return such insane person, either before or after his admission to a state hospital, to the country or state to which he belongs, and for such purpose may expend so much of the money appropriated for the care of the insane as may be necessary, subject to the audit of the comptroller.

§ 77. Insane Indians.— Poor and indigent insane Indians living within this state or upon any of the Indian reservations shall be committed to, confined in, and discharged from the state hospitals for the insane in the same manner and under the same rules and regulations as other poor and indigent insane persons; and all the provisions of this chapter shall apply to the Indians residing within this state the same as to other persons.

ARTICLE IV.

State Hospital for Insane Criminals.

- Section 90.** Establishment and purposes of the Matteawan State hospital.
- 91. Medical superintendent.
 - 92. Medical superintendent as treasurer of the hospital.
 - 93. Salaries of resident officers.
 - 94. Powers and duties of medical superintendent and assistants.
 - 95. Monthly estimates.
 - 96. Power of removal.
 - 97. Transfer of insane convicts to the Matteawan State hospital.
 - 98. Disposal of insane convicts after expiration of term of imprisonment.
 - 99. Convicts, on recovery, to be transferred to prison.
 - 100. Certificate of conviction to be delivered to medical superintendent and copy filed.
 - 101. Transfer from state hospital to Matteawan State hospital.
 - 102. Authority to recover for the support of patients.
 - 103. Tenure of office.
 - 104. Communications with patients.

Section 90. Establishment and purposes of the Matteawan State hospital.—The grounds, buildings and property located at Matteawan, in the county of Dutchess, and used for the purposes of the hospital for insane criminals, are hereby declared to be the Matteawan State hospital, to be used for the purpose of holding in custody and caring for such insane persons as may be committed to the said institution by courts of criminal jurisdiction, and for such convicted persons who may be declared insane while undergoing sentence at any of the various penal institutions of the state.

§ 91. Medical superintendent.—The superintendent of state prisons shall, whenever there is a vacancy, appoint a medical superintendent for the Matteawan State hospital, who shall be

a well-educated physician of at least five years' actual experience in a hospital for the care and treatment of the insane. The superintendent of state prisons, subject to the approval of the state commission in lunacy, shall make by-laws and regulations for the government of the hospital and the management of its affairs.

§ 92. Medical superintendent as treasurer of the hospital.—The medical superintendent shall be the treasurer of the hospital, and before entering upon his duties, shall file with the comptroller of the state his undertaking to the people with sureties to be approved by the superintendent of state prisons, to the effect that he will faithfully perform his trust as such treasurer. He shall have the custody of the moneys, securities and obligations belonging to the hospital, and shall open with some bank, in the vicinity of the hospital, to be selected with the approval of the comptroller, an account in his name as such medical superintendent, and immediately deposit in such bank all moneys received by him as such medical superintendent and treasurer, and shall draw therefrom only for the use of the hospital and in the manner provided by the by-laws and upon the order of the steward, specifying the object of each payment. He shall keep a full and accurate account of the receipts and payments, as directed by the by-laws, and of such other matters as the superintendent of state prisons and the state commission in lunacy may prescribe, and balance all his accounts, annually, on the thirtieth day of September, and within ten days thereafter deliver to the superintendent of state prisons, a statement thereof and an abstract of such receipts and payments for the past year. His books and vouchers shall at all times be open to the inspection of the superintendent of state prisons and the commission, and they may at any time require of him a statement of his accounts and of the funds and property in his custody.

§ 93. Salaries of resident officers.—The superintendent of state prisons shall, from time to time, determine the annual salaries and allowances of the resident officers, provided they do not in the aggregate exceed twelve thousand dollars; and the same

shall be paid quarterly, on the last days of March, June, September and December, by the treasurer of the state, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, to the medical superintendent, on his presenting a bill of particulars thereof signed by the steward, and properly certified by such medical superintendent.

§ 94. Powers and duties of medical superintendent and assistants.—The medical superintendent shall be the chief executive officer of the hospital and shall:

1. Have the general superintendence of the building and grounds, together with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to the rules and regulations adopted by the superintendent of state prisons, with power to assign their respective duties.

2. Appoint such number of assistant physicians, not to exceed one for each two hundred inmates or fraction thereof, as the necessities of the institution may require, also a steward and matron, all of whom and the medical superintendent, shall reside in the hospital, and shall be known as the resident officers thereof.

3. Appoint such and so many attendants and other subordinate employes as he may think proper and necessary for the economical and efficient administration of the affairs of the hospital, and prescribe their several duties and places, and fix, with the approval of the superintendent of state prisons, their compensation, and discharge any of them at his sole discretion; but in every case of discharge, so occurring, he shall, forthwith, enter the same with the reasons therefor, under an appropriate heading, in one of the record books of the hospital.

4. Give, from time to time, such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense.

5. Maintain salutary discipline among all who are employed by the institution, and enforce strict compliance with all instructions and orders given by him, and uniform obedience to all the rules and regulations of the hospital.

6. Cause full and fair accounts and records of all his doings,

and of the entire business and operations of the institution to be kept regularly, from day to day, in books provided for that purpose, in the manner and extent prescribed in the by-laws.

7. See that all accounts and records are fully made up to the last day of September in each year, and present the principal facts and results, with his report thereon, to the superintendent of state prisons, within forty days thereafter. The resident officers, before entering upon their duties as such, shall severally take and file in the office of the secretary of state, the constitutional oath of office. The first assistant physician shall perform the duties and be subject to the responsibilities of the superintendent in his sickness or absence. The steward may personally purchase any supplies for the use of such hospital, but only in the name of the medical superintendent, and in each instance by his direction and not otherwise.

§ 95. Monthly estimates.—The medical superintendent shall cause an estimate to be made monthly, in accordance with forms to be approved by the state comptroller, of all moneys necessary for the support and maintenance of the hospital, which may be required to supplement the deficiencies in the earnings thereof. Such estimate shall be submitted to and examined by the superintendent of state prisons, who, if he is satisfied that it is correct, and that the articles named therein are actually needed for the support and maintenance of the hospital, shall certify to the same, and on production of such estimate so certified, to the comptroller, he shall draw his warrant on the state treasurer for the amount thereof, and the state treasurer shall pay such amount to the medical superintendent of the hospital, out of any money in the treasury appropriated for the support of such hospital.

§ 96. Power of removal. — The superintendent of state prisons may remove the medical superintendent, for cause shown, and an opportunity to such superintendent to be heard thereon, and such officer shall not be reappointed to the office of medical superintendent, or to any other position in said hospital.

§ 97. Transfer of insane convicts to the Matteawan State Hospital. — Whenever the physician of either of the state prisons,

county penitentiaries, or of the state reformatory or other penal institutions, shall report in writing to the warden or other officer in charge thereof, that any convict confined therein is, in his opinion, insane, such warden or other officer shall apply to a judge of a court of record to cause an examination to be made of such person by two legally qualified examiners in lunacy, other than a physician connected with such state prison, penitentiary, reformatory or penal institution, qualified to act as medical examiners in lunacy. Such examiners shall be designated by the judge to whom the application is made. Such examiners, if satisfied, after a personal examination, that such convict is insane, shall make a certificate to such effect in the form and manner prescribed by this chapter for the commitment of insane persons to state hospitals. Such warden or other person in charge shall apply to a judge of a court of record for an order transferring such convict to the Matteawan State hospital, accompanying such application with such certificate in lunacy. Such judge, if satisfied that such convict is insane, shall issue such order of transfer, and such warden or other officer in charge shall thereupon cause such convict to be transferred to the Matteawan State Hospital and delivered to the medical superintendent thereof. At the time of such transfer, the certificate in lunacy and order of transfer shall be presented to such medical superintendent, and a copy thereof shall be placed on file in the office of the superintendent of state prisons. Such insane convict shall be received into such hospital and retained there until legally discharged. Such warden, or other officer in charge, before transferring such insane convict, shall see that he is bodily clean, and is provided with a new suit of clothing similar to that furnished to convicts on their discharge from prison. The costs necessarily incurred in determining the question of insanity, including the fees of the medical examiners, shall be a charge upon the state or the municipality at whose expense the institution from which the transfer is made or sought to be made is maintained.

§ 98. Disposal of insane convicts after expiration of term of imprisonment. — Whenever any convict in the Matteawan State

hospital, under and by virtue of this act, shall continue to be insane at the expiration of the term for which he was sentenced, he may be retained therein until he has recovered or is otherwise legally discharged. The medical superintendent of such hospital may discharge and deliver any patient whose sentence has expired, and who is still insane, but who, in the opinion of the superintendent is reasonably safe to be at large, to his relatives or friends who are able and willing to comfortably maintain him, without further public charge; and such patient may, in the discretion of the medical superintendent, be provided with the whole or a portion of such allowances as are hereinafter granted to recovered convicts. Whenever any convict, who, by reason of his insanity, shall have been retained beyond the date of the expiration of his sentence shall recover, he may be discharged by the medical superintendent, and such convict shall be entitled to ten dollars in money, suitable clothing and a railroad ticket to the county of his conviction or to such other place as he may designate at no greater distance. Similar allowances shall be made to patients committed by order of a court and who may be discharged. Any convict in the Matteawan State Hospital, whose term of imprisonment has expired by commutation or otherwise, and who is not recovered may, upon an order of the commission in lunacy, be transferred to any institution for the insane.

§ 99. Convicts on recovery to be transferred to prison.—Whenever any convict, who shall have been confined in such hospital as an insane person, shall have recovered before the expiration of his sentence, and the medical superintendent thereof shall so certify in writing to the agent and warden, or other officer in charge of the institution, from which such convict was received or to which the superintendent of state prisons may direct that he be transferred, such convict shall forthwith be transferred to the institution from which he came by the medical superintendent of the hospital, or, if received from one of the state prisons, to such state prison as the superintendent of state prisons may direct; and the agent and warden or other officer in charge of such institution shall receive such

convict into such institution, and shall, in all respects, treat him as when originally sentenced to imprisonment. Any inmate not a convict, held upon an order of a court or judge, in a criminal proceeding, may be discharged therefrom, upon the superintendent's certificate of recovery, made to and approved by such court or judge.

§ 100. Certificate of conviction to be delivered to medical superintendent and copy filed.—Whenever any convict shall be transferred to the Matteawan State hospital, the agent and warden or other officer in charge of the prison, penitentiary, reformatory or other penal institution from which such convict is transferred, shall cause a correct copy of the original certificate of conviction of such convict to be filed in the office of the warden or officer in charge, and shall deliver the original certificate to the medical superintendent of such hospital; and whenever any such convict shall be transferred to any penal institution from such hospital, as hereinbefore provided, the medical superintendent shall deliver to the agent and warden, or other officer in charge of such institution, such original certificate, which shall be filed in the clerk's office of the same.

§ 101. Transfer from state hospitals to Matteawan State hospital.—The commission in lunacy may, by order in writing, transfer any insane inmate of a state hospital, committed thereto upon the order of a court of criminal jurisdiction, to the Matteawan State hospital, and the county in which the criminal charge arose or conviction or acquittal was had, shall defray all the expenses of such person while at the Matteawan State hospital and the expenses of returning him to such county.

§ 102. Authority to recover for the support of patients.—The medical superintendent of the hospital is hereby authorized to recover for the support of any patient therein, chargeable under the law to either counties or penitentiaries, in an action to be brought, in the name of the people of the state of New York, against the county or penitentiary, for the maintenance of said patient.

§ 103. Tenure of office.— Nothing in this article shall be construed to affect the tenure of office of any of the present officers of the hospital.

§ 104. Communications with patients.—No person not authorized by law or by written permission from the superintendent of state prisons shall visit the Matteawan State hospital, or communicate with any patient therein without the consent of the medical superintendent; nor without such consent shall any person bring into or convey out of the Matteawan State hospital any letter or writing to or from any patient; nor shall any letter or writing be delivered to a patient, or if written by a patient, be sent from the Matteawan State hospital until the same shall have been examined and read by the medical superintendent or some other officer of the hospital duly authorized by the medical superintendent. But communications addressed by such patient to the county judge or district attorney of the county from which he was sentenced, shall be forwarded, after examination by such medical superintendent, to their destination.

ARTICLE V.

Laws Repealed; When to Take Effect.

Section 110. Laws repealed.

111. When to take effect.

Section 110. Laws repealed.— Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 111. When to take effect.— This chapter shall take effect on July first, eighteen hundred and ninety-six.

SCHEDULE OF LAWS REPEALED.

Revised Statutes, pt. 1, ch. 20, tit. 3. All.

Laws of—	Chapter.	Sections.
1838.	218.	All.
1874.	446.	All, except tit. 1, §§ 21, 22, 26.
1875.	264.	All.

Laws of—	Chapter.	Sections.
1875.....	574.....	All.
1876.....	121.....	All.
1878.....	47.....	All.
1878.....	86.....	All.
1879.....	45.....	All.
1879.....	280.....	All.
1880.....	61.....	1.
1880.....	164.....	All.
1881.....	49.....	All.
1881.....	190.....	All.
1883.....	193.....	All.
1884.....	289.....	All.
1884.....	515.....	All.
1885.....	178.....	All.
1885.....	462.....	All.
1886.....	215.....	All.
1886.....	318.....	All.
1886.....	545.....	All.
1887.....	343.....	All.
1887.....	375.....	All.
1887.....	629.....	All.
1888.....	451.....	All.
1889.....	56.....	All.
1889.....	283.....	All.
1889.....	427.....	All.
1890.....	126.....	All.
1890.....	132.....	All.
1890.....	243.....	All.
1890.....	273.....	All.
1891.....	335.....	All.
1893.....	81.....	All.
1893.....	214.....	All.
1893.....	247.....	All.
1893.....	323.....	All.
1893.....	614.....	All.

Laws of—	Chapter.	Sections.
1894.....	707.....	All.
1895.....	172.....	All.
1895.....	628.....	All, except §§ 2, 3.
1895.....	855.....	All.

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